

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

JOHN G. PEDICINI,

Plaintiff,

-vs-

UNITED STATES OF AMERICA
ET AL.,

Defendants.

2007 AUG -1 P 12:27

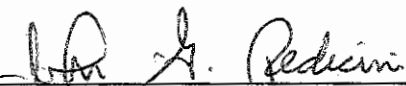
U.S. DISTRICT COURT
DISTRICT OF MASS.
CIVIL ACTION NO. 04-12395-JLT

PLAINTIFF'S MOTION IN OPPOSITION TO DEFENDANT'S RENEWED
MOTION TO DISMISS PLAINTIFF'S APA COUNT AS A MATTER OF LAW
AND TO CONSOLIDATE TRIAL ISSUES

Plaintiff, John G. Pedicini, respectfully moves the Court to deny Plaintiff's Renewed Motion To Dismiss Plaintiff's APA Count As A Matter Of Law. In addition, Plaintiff moves to consolidate Count II(B) with Count IV Breach of Contract as suggested by the Court in Summary Judgment Memorandum dated 3/29/2007.

Plaintiff resubmits his Plaintiff's Reply To Defendants' Further Memorandum On Count II(B) with exhibit, originally filed on 4/30/2007, in support of this motion.

Respectfully submitted,



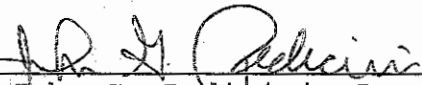
John G. Pedicini, Plaintiff Pro Se
10 Milano Drive
Saugus, MA 01906
781-248-1385

8/1/07

Date

CERTIFICATION UNDER L.R. 7.1

I certify that in accordance with Local Rule 7.1, I have conferred with Defendants' counsel and have attempted in good faith to resolve the issues addressed in this Motion on August 1, 2007 and that we were unable to resolve the issues set forth in this motion.



John G. Pedicini, Pro Se

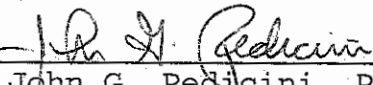
8/1/07

Date

CERTIFICATION OF SERVICE

Pursuant to L.R.5.2(b), I hereby certify that a true copy of the above document and memorandum was served on the Defendants on August 1, 2007, via U.S. Government email system: Gina Walcott-Torres, Assistant U.S. Attorney, Moakley Courthouse, 1 Courthouse Way, Suite 9200, Boston, MA 02210.

By:



John G. Pedicini, Pro Se

8/1/07

Date